



EXPRESS MAIL LABEL NO.: EV578080668US

PATENT  
ATTORNEY DOCKET NO. 31242-701.201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Elizabeth Moyer et al.	)	Confirmation No. 2967
	)	
Serial No.: 09/393,590	)	Art Unit: 1645
	)	
Filed: September 9, 1999	)	Examiner: DEVI, S.J.N.
	)	
Title: STABLE LIQUID FORMULATIONS	)	
OF BOTULINUM TOXIN	)	
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**SUPPLEMENTAL RESPONSE**

M/S Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**Introductory Comments:**

This Supplemental Response is being filed in response to the telephonic conference held with the Examiner on March 29, 2005, discussing the Office Action dated June 1, 2004, and Applicant's response thereto. Applicants have appended to this Supplemental Response a list of the pending claims for the Examiner's convenience. Applicants respectfully ask the Examiner to please reconsider the above-identified application in light of the following remarks.

### **Interview Summary**

Applicants thank the Examiner for the courtesy extended to Applicants in granting the telephonic interview on March 29, 2005 regarding the general nature of the invention and the rejections made in the Office Action, dated June 1, 2004. The rejection under 35 U.S.C. § 102(b) was discussed in regards to the cited prior art of *Schantz et al.* (*J. AOAC* 61: 96-99 (1978)). Applicants discussed the amendments made to the claims in the Response, dated March 9, 2005. Applicants also discussed the limitations regarding the pH range specified in the amendment to the claims. In addition, Applicants discussed the state of the art at the time of filing of the instant application in connection with buffer systems and the purification of botulinum toxins in the stable liquid pharmaceutical formulation claimed. Applicants discussed the Preliminary Opinion issued by the European Patent Office in the pending European Opposition proceedings. The Examiner asked for the key to the references cited in the Preliminary Opinion, which Applicants have appended to this Supplemental Response (see Exhibit A; attached herein). Applicants also discussed the pending opposition proceeding in the corresponding Australian patent application in Australia, an opposition filed by Allergan.